Annual Report 2015/2016

SASKATCHEWAN HUMAN RIGHTS COMMISSION

Reconciling Rights ■ Promoting Inclusion

VISION STATEMENT

To have all Saskatchewan residents understand human rights, value diversity, engage in the responsibilities of their citizenship, and respect the human rights of others.

MISSION STATEMENT

To champion human rights by promoting and protecting dignity, diversity, and equality within Saskatchewan.

GOALS

- Discourage and prevent discrimination.
- Implement restorative justice measures in all complaint resolutions.
- Secure appropriate remedies for individuals who experience discrimination.
- Seek systemic remedies for individuals and groups who experience discrimination.
- Advance the understanding of human rights through research and education.
- Provide leadership on public policy and legislation related to human rights and responsibilities.

Letter of Transmittal

The Honourable Gordon Wyant, Q.C.
Minister of Justice and Attorney General
Legislative Building
Regina, Saskatchewan

Dear Minister Wyant,

I am pleased to deliver the 2015-2016 annual report of the Saskatchewan Human Rights Commission as required by Section 49 of *The Saskatchewan Human Rights Code*.

This report highlights the activities and successes of the Commission for the fiscal year beginning April 1, 2015 and concluding March 31, 2016.

Sincerely,

David M. Arnot
Chief Commissioner

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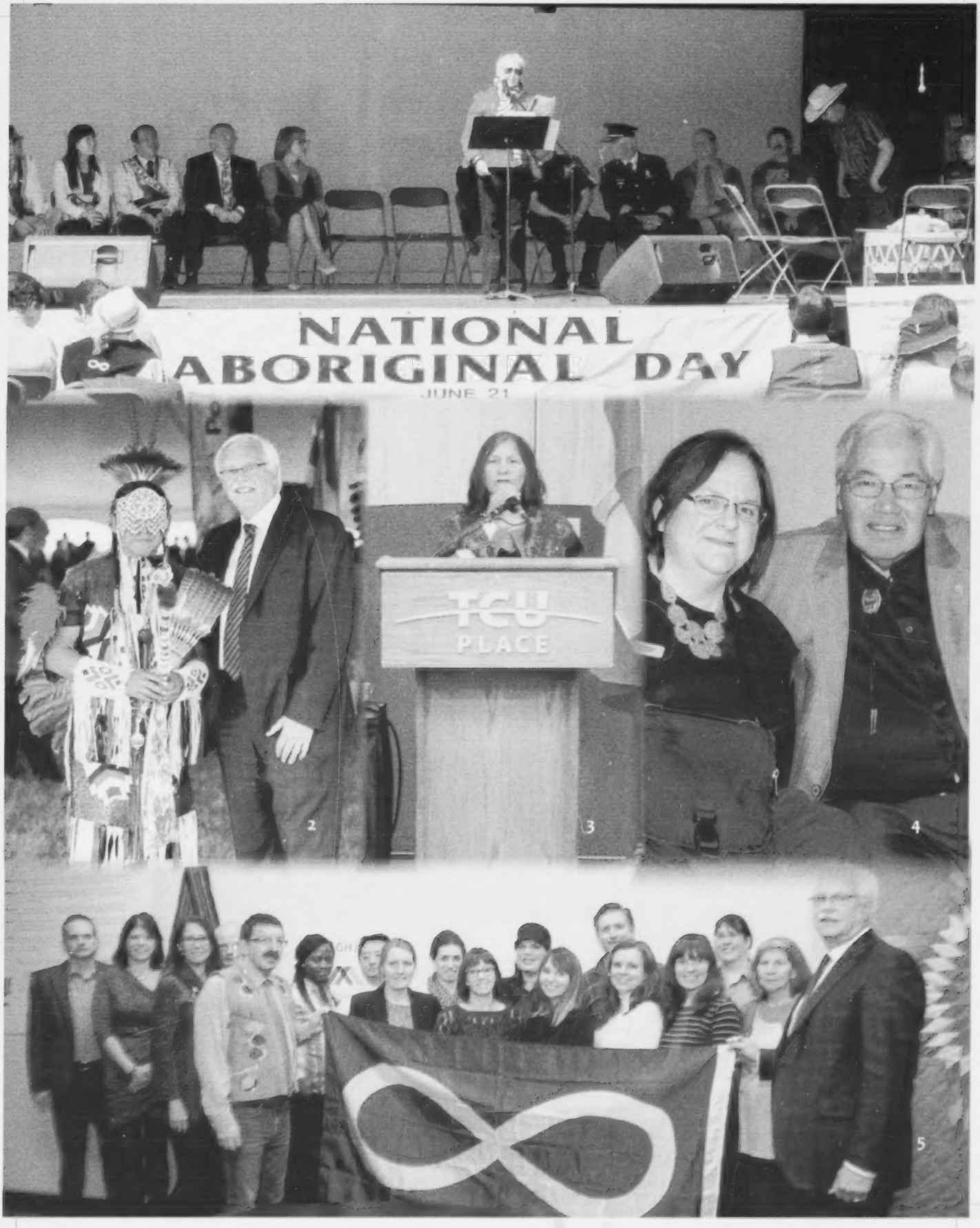
NATIONAL
ABORIGINAL DAY
JUNE 21
TCU
PLACE
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By the Numbers

Total number of new complaints received in 2015/16.

471

Percentage increase in the number of new complaints opened when compared to the previous year.

12.4%

Number of complaints resolved or not pursued using pre-complaint processes in 2015/16.

76

Percentage increase in the number of complaints resolved or not pursued using pre-complaint processes when compared to the previous year.

76.7%

Complaints formalized in 2015/16.

171

Percentage increase in complaint files formalized compared to the previous year.

23.5%

Calls to designated intake consultant from businesses and employers.

385

Percentage increase of calls to designated intake consultant from businesses and employers.

54.6%

Message from the Chief Commissioner

Over the course of the last year, the Saskatchewan Human Rights Commission has effectively pursued its legislated mandate to promote and protect human rights through partnerships on province-wide projects, by supporting national and community-based organizations, by initiating and leading large-scale collaborative systemic initiatives, and by providing public education to many audiences.

In the 2015/2016 operating year, the Commission accepted, managed, and efficiently resolved a record number of complaints. Mediation continues to play a key role in this success, creating timely party-driven resolutions. At the same time, proactively taking opportunities to talk to the parties, before a complaint is even formalized, is leading to even more responsive outcomes in many situations. I am also proud to say that our legal team is using directed mediation to resolve many complex cases; matters are only litigated when all other means of resolution have been exhausted, or when there are issues of such legal importance that guidance from the court is required.

When I speak to school audiences, I remind them that the United Nations *Universal Declaration of Human Rights* embodies the world's response to the Holocaust. Thus, the Holocaust is the foundation for the "Rights Revolution" in the second half of the twentieth century. I challenge students to create the "responsibility revolution" in the twenty-first century. I have every confidence that they will because they act on what they learn.

This year, the Truth and Reconciliation Commission challenged all of us to respond to the Calls to Action they put forward. Many of these Calls to Action focus on education, and many of those also emphasize understanding both human rights and Indigenous rights.

Whether speaking to students, educators, legal and other communities, I note that human rights, Indigenous rights, and treaty rights are interconnected and inseparable, and that human rights commissions have an important role to play in responding to the Calls to Action. This response is a task that the Saskatchewan Human Rights Commission has taken seriously, and in this report you will see examples of the contributions we have made during the last year. While I am buoyed by what has been done, there is much more left to do.

The Commission remains committed to equality, equity, and dignity for all people.

David M. Arnot
Chief Commissioner

SHRC Hosts National Conference

Every year CASHRA members come together to convene a national meeting on best practices, developments in human rights.

On June 22 and 23, the Saskatchewan Human Rights Commission hosted the Canadian Association of Statutory Human Rights Agencies (CASHRA) annual national conference on human rights at TCU Place in Saskatoon.

Every year, a CASHRA member agency—one of the legislated federal, provincial, and territorial human rights organizations from across Canada—develops a conference theme, invites guest speakers, and organizes panel discussions. The theme for 2015 was "the relevant and current human rights commission."

As a learning, networking, and information-sharing event, the 2015 conference focused on emerging issues including missing, murdered, and harmed Indigenous women and girls, and the recommendations of the Truth and Reconciliation Commission.

Chief Commissioner Arnot, also the current President of CASHRA, welcomed attendees, saying, "the relationship between Indigenous people and all other Canadians needs to be restored; and we, as human rights agencies, are being asked to respond quickly, clearly, and authoritatively. Our work is more relevant, more important, and more critical to the future of our country."

The Honourable Dr. Lillian Dyck provided the Monday keynote address in her presentation, "Canada's Missing, Murdered, and Harmed Aboriginal Women and Children." Senator Dyck challenged the RCMP's report that Aboriginal men were for the most part responsible for the disappearance and death of Aboriginal women.

Observing that more Aboriginal women were killed by acquaintances than by spouses, and that Aboriginal women are at greater risk of being killed by people who don't know them well, she believes that addressing this issue requires looking outside of families.

Senator Dyck challenged CASHRA members to not take the suggestion that this is solely an Aboriginal issue at face value:

> "Well the report itself is not bad, it has some very good data. But my concern mainly is the spin that is being put on the report by the media and by the government, because the report did not look at the racial identity of the men, it didn't look at on reserve communities. This headline makes it sound as though it's Aboriginal men, mostly Aboriginal men, that are killing Aboriginal women, but there is no data to support that belief."

The Tuesday keynote session, delivered by the Honourable Justice Murray Sinclair, the Chair of the Canadian Truth and Reconciliation Commission, focused on "The Path to Reconciliation." Justice Sinclair noted that while an understanding of the history of Aboriginal peoples and the shared history, which includes the impact of residential schools, needs to be embraced as part of a collective Canadian identity, the focus needs to be on the future.

Calling this a responsibility for all Canadians, he put forward a guiding question for everyone involved in reconciliation: "Is what we are doing in our work, going forward, contributing to the evolution of a relationship of mutual respect between Aboriginal and non-Aboriginal people in our country?"

Is what we are doing in our work, going forward, contributing to the evolution of a relationship of mutual respect between Aboriginal and non-Aboriginal people in our country?

DEVELOPMENTS IN LEGAL/HUMAN RIGHTS DECISIONS

The annual conference is also an opportunity to learn about the legal and human rights-related decisions that inform day-to-day practice within and across jurisdictions.

Ishaq v. Canada (Citizenship and Immigration), 2015 FC 156.
The Canadian Human Rights Commission highlighted the case of a Muslim woman who challenged government policy requiring new citizens to remove face-covering apparel during the swearing of the oath of citizenship.

The Federal Court had found that the government policy, which required women who wear the niqab to unveil in order to take the oath of citizenship, was unlawful. The decision stated that the Citizenship Regulations themselves require the observance of the greatest possible religious freedom for persons taking the oath.

Update: On September 15, and only months after the CASHRA conference concluded, an appeal of the Federal Court's decision was denied. As a further update, the federal government announced on November 16 that they would not apply to take the case to the Supreme Court of Canada.

Mouvement Laïque Québécois v. Saguenay
La Commission des droits de la personne et des droits de la jeunesse, Quebec, presented the Mouvement laïque québécois v. Saguenay (City) Supreme Court of Canada decision. While Canada's highest court had the final word, the legal matter began as a human rights complaint.

The Quebec commission received a complaint about the recitation of a prayer before the commencement of the City of Saguenay's council meetings. The complainant, an atheist, believed that the prayer, given by the Mayor of Saguenay, was discriminatory.

The human rights tribunal found that the prayer was religious in nature, that it showed a non-neutral preference for one religion, and that it was discriminatory. The complainant was awarded $15,000 each for moral and punitive damages.

When Canada's highest court was asked to weigh in, it clarified the importance of religious neutrality, stating that state actions cannot interfere with freedom of religion, and that interference occurs when a citizen cannot act in accordance with his or her beliefs. Interference must meet two criteria:

(1) the complainant has sincerely held beliefs, and
(2) the interference must not be trivial or insubstantial.

Rights, Responsibility, Respect
CASHRA
2015
ACCCDP
Les droits, les responsabilités , le respect

TCU
PLAC
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Truth and Reconciliation

The SHRC is working to connect the Truth and Reconciliation Commission's Calls to Action to Citizenship Education.

On December 15, 2015, Canada's Truth and Reconciliation Commission (TRC) made public its report on the legacy of the Indian residential schools. That report contained 94 carefully assembled, encompassing, and clear calls to action.

The Calls to Action are intended to address the past and to help change the lives of Indigenous people who have been affected by the residential school system. The TRC asked all Canadians to work together to heal the relationship between Indigenous people and all other Canadians.

The TRC was clear that education, at many levels, is necessary. It's final report repeatedly references the need for education and practical training in dealing with human rights.

The phrase, "This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism" appears five times. In addition to the training, the TRC casts the experience of many residential school survivors as human rights violations.

With broad mandates to promote, protect, and educate the public, human rights commissions can have an important role to play in reconciliation.

The Saskatchewan Human Rights Commission is answering this call to support reconciliation through citizenship education. In partnership with teachers, educators, and administrators—and with the support of the Ministries of Education, Justice, and the Law Foundation of Saskatchewan—the SHRC is creating classroom resources that explore the relationship between human rights, Treaty rights, and Indigenous rights.

The citizenship resources review First Nations governance and culture, and emphasize awareness about the residential school experience. First Nations and Indigenous perspectives are acknowledged and talked about in conjunction with citizenship considerations. The citizenship resources are linked to the Office of the Treaty Commissioner's "Teaching Treaties in the Classroom" curriculum.

Missing and Murdered Indigenous Women

Human rights commissions have a role to play in addressing violence and discrimination against Indigenous women

Over a third of the complaints that are brought to the Saskatchewan Human Rights Commission have links to the complainant's sex or gender (e.g., pregnancy, marital status, and sexual orientation).

With one of the highest per capita Indigenous populations in Canada, Saskatchewan has an opportunity to address the findings of the Truth and Reconciliation Commission, and particularly those that relate to Indigenous women and girls.

The Truth and Reconciliation Commission is challenging all Canadians to understand the detrimental and long lasting effects of the residential school system (see page 12) such as over-incarceration, negative health consequences, and poverty. In turn, leaders across Saskatchewan are responding.

Health and anti-poverty advocates in Saskatchewan are speaking about the social determinants of health, including Indigenous status, gender, and disability (see page 28).

Legal advocates, including the Elizabeth Fry Society who partnered with the University of Saskatchewan's College of Law in May 2015, to host the annual Sallows Fry Conference, "A Canadian Crisis: Criminalization & Imprisonment of Indigenous Women & those with Disabling Mental Health Issues," recognize the relationship between gender, mental health, and the over-incarceration of Aboriginal Women.

Post-secondary education leaders are also thinking about what they can do to foster understanding and create meaningful careers for Indigenous men and women. This is important as women are less likely to find employment when compared to men. Moreover, research shows that Indigenous women are less likely to find employment than Indigenous men, non-Indigenous men, or women.

The Saskatchewan Human Rights Commission has met with, presented at, and been a part of many of the discussions that took place in response to the TRC's reports and calls to action. The Commission, like all other human rights agencies across Canada, has an important role to play. In short, the pursuit of dignity for individuals, and for groups, is the mandate of human rights commissions in Canada.

Justice and safety issues for Indigenous women, and in particular those Indigenous women with mental health, addictions, and disability-related issues often have ties to dignity, equity, and discrimination. Recognizing that Aboriginal women and girls are too frequently reported missing, are murdered, and harmed, Chief Commissioner Arnot, in his role as President of CASHRA, wrote the Government of Canada on February 16, 2016, urging it to work in partnership with Aboriginal peoples' organizations to:

(1) develop and implement a national action plan that will focus urgent attention on addressing and preventing the root causes of violence against Aboriginal women and girls, including poverty and systemic discrimination; and

(2) noting that Canada has proposed a Parliamentary Committee, CASHRA still urges the establishment of an independent and inclusive inquiry into missing and murdered Aboriginal women and girls in Canada.

Pillar 1 - Litigation & Legal

The Commission's legal team uses litigation and Directed Mediation to settle complaints.

The Saskatchewan Human Rights Commission's legal team prepares and pursues the resolution of complaints using various means. While a court hearing is one option, the Commission's lawyers also provide legal analyses, prepare dismissals, and conduct directed mediations on a regular basis.

RELIGIOUS BELIEFS FACE PUBLICATION RESTRICTIONS

The Commission sometimes receives complaints that involve competing rights, legal concerns that don't fit neatly with the *The Saskatchewan Human Rights Code* (the *Code*) or existing case law.

In January, the Commission asked the Court of Queen's Bench to consider a human rights complaint involving the prohibited ground of religion. Mr. Owens had published selected verses from the Bible in the form of a paid ad in the Regina *Leader-Post* newspaper on an annual basis for many years. When he tried to publish the same ad in 2013 he was refused on the basis that it was offensive to the newspaper's readership. The verses in the ad, which was to be run during Pride week, were deemed to oppose homosexuality.

The *Code* defines religion as including "all aspects of religious observance and practice as well as beliefs." At the same time, Section 14 of the *Code* also prohibits the publication of:

> any representation, including any notice, sign, symbol, emblem, article, statement or other representation:
>
> (a) tending or likely to tend to deprive, abridge or otherwise restrict the enjoyment by any person or class of persons, on the basis of a prohibited ground, of any right to which that person or class of persons is entitled under law; or
>
> (b) that exposes or tends to expose to hatred any person or class of persons on the basis of a prohibited ground.

At the heart of the matter before the Court of Queens' Bench is Mr. Owens' right to practice his religious beliefs and the *Leader-Post's* right to control the content of its publications. In referring this matter for hearing, the Commission is asking the Court to determine how these competing rights should be resolved. In all cases brought before the Court of Queen's Bench, the Commission is acting in the public interest and does not represent the complainant.

Settling competing Charter and human rights is a matter of law, and the independent Court is best placed to make this determination. *The Canadian Charter of Rights and Freedoms*, for example, recognizes the importance of both religious freedom and freedom of expression. Given the Commission's legislated responsibility for pursuing human rights matters as matters of administrative law, the Commission does not have a mandate to make this determination.

BIRTH CERTIFICATE CHANGED FOR TRANSGENDER ADULT

In February, the Commission took the complaint of a transgender woman to the Court of Queen's Bench.

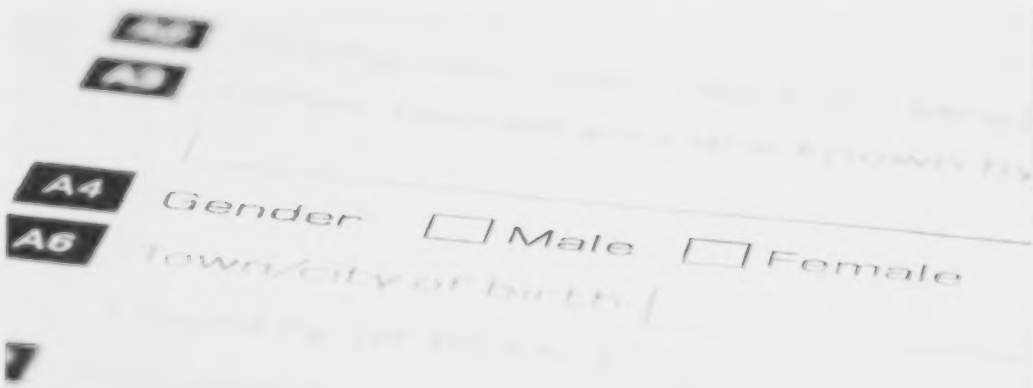
Mrs. Laura Budd had applied for a new birth certificate, and was told that she could not do this without "gender reassignment surgery." Under *The Vital Statistics Act, 2009* transgender people are required to have surgery before a change in the birth certificate can be made.

After investigating her human rights complaint, the Commission applied to the Court of Queen's Bench for a hearing on her behalf. It was the position of the Commission that the existing legislation is contrary to section 12 of the *Code*. That section states that no person or group can be denied accommodation, services, or facilities based on a prohibited ground – in this case, the ground of sex.

The Court of Queen's Bench issued a consent order that mandated the Registrar of Vital Statistics to make the change on birth certificates for transgender adults. As a result, transgender adults in Saskatchewan who want the gender designation on their birth certificate changed will no longer have to have surgery in order to receive new identification. This affects those who have previously made a request, and it also applies to those who make a request in the future.

As part of the resolution, a one-time donation of $20,000 was paid to Moose Jaw Pride for the purpose of providing public education about the rights of transgender people. The Government of Saskatchewan agreed to introduce legislation to amend the existing laws to comply with the order.

Advocates for transgender people assert that transgender people face discrimination in housing, employment, and travel restrictions. This sometimes occurs because of the perceived mismatch between their gender identity and their government-issued identification.



Gender Identity Provisions of the *Code* in Action

Gender identity provisions of the Code are now being used to protect the rights of Transgender people.

Protection for gender identity has been part of *The Saskatchewan Human Rights Code* since December 2014. While the Commission accepted complaints of discrimination based on gender identity prior to that time, this new addition to the *Code* is now being used when complaints are filed.

JUST LIKE EVERYONE ELSE

At around the same time of the change to the *Code*, a transgender woman filed a complaint alleging that she was mistreated by a service desk counter attendant with a transportation company. Nicole* felt that the company's employee treated her with contempt while calling her "Sir." Then she was questioned about the validity of her pre-paid ticket. When it was time to board, the company's staff refused to allow her access to the transportation she had purchased the ticket for. Nicole had to seek alternative transportation to her destination.

The respondent company disagreed that the complainant was treated this way as a result of her gender identity. However, the respondent explained they want all their customers to feel valued and have a positive impression of the company. Both parties were able to agree to a letter of apology (without admission of wrongdoing), $1,000 compensation for damage to dignity, and $600 as compensation for the expenses incurred purchasing alternative transportation.

Moreover, the complainant was overwhelmed by the success of the mediation as she felt that her "feelings truly mattered." The respondent's decision to acknowledge what happened and take steps to resolve the situation was well-received by the complainant. Nicole went on to explain: "It is a rarity to feel [like I matter]" and "[that] participating in the mediation made me feel like I was part of the world and I deserve that—that's what I wanted."

In the News - Barbershop Updates Policy

A mediated resolution to a complaint of gender discrimination results in a barbershop changing their "males only" policy.

While the *The Saskatchewan Human Rights Code* (the *Code*) has many elements, at its core it is about two things:

1. The recognition of the dignity of all people.
2. The recognition that all people are equal.

Part 1 of the *Code*, the Bill of Rights section, which mirrors some aspects of the *Canadian Charter of Rights and Freedoms*, outlines the fundamental rights of all people. They are the:

1. Right to freedom of conscience, the
2. Right to free expression, the
3. Right to free association, the
4. Right to freedom from arbitrary imprisonment, and the
5. Right to elections

The second part of the *Code* gets into more day-to-day issues. Some have called Part II of the *Code* the social or public areas of life. This part of the *Code* gets at the heart of Saskatchewan's anti-discrimination legislation – that is, it helps define what actions are in fact discriminatory.

Refusing service based on gender, for example, is contrary to Part II, Section 12 of *Code*. This section of the *Code* states that no person may be denied "the accommodation, services or facilities to which the public is customarily admitted or that are offered to the public." A recent mediated settlement illustrates this section of the Code.

On June 16, 2015, the Commission took the unusual step of publicising details about the successful mediation related to service refusal.

Nearly a year before, a woman went to a Regina barbershop seeking a popular men's style haircut. At the time, barbershop staff stated that they only could perform men's style haircuts, and that they would only serve male clientele.

A complaint was filed and formalized on the grounds that the potential female patron was denied service because of her gender. Through the mediation process, the barbershop owner acknowledged that the woman should not have been turned away. The barbershop owner also agreed to change the hair salon's policy. In turn, the complainant felt that her experience was acknowledged. In agreeing to publicize this resolution, the parties demonstrated understanding and respect to each other.

At the time, both parties were also subject to considerable public criticism, including criticism on social media. For example, the female patron was criticized for not finding an alternative service provider, and the barbershop was criticized for not serving women. This resolution clarifies three points:

1. Regardless of there being alternate service providers, discrimination occurs, and can be resolved, instance by instance,
2. Gender accommodation can be accomplished through policy change, and
3. Accommodation does not mean wholesale change in the services that are provided.

Pillar 2 - Mediation

Year after year, mediation is proving to be an effective means to resolve complaints, and achieve mediations that meet the needs of the parties.

TIMING IS EVERYTHING

Brenda* had just begun a new job at a hotel. She was having trouble finding baby-sitting services and missed a couple of shifts for that reason. She worked a few shifts, and then, on what was to be her last shift, asked to be excused from work because she has IBS (irritable bowel syndrome). Her manager allowed her to go home.

A short time later, Brenda received an email from her manager terminating her employment. Specifically it said, "After further thought about our conversation this afternoon, I do not feel you are the right fit for our organization's needs." In the employee's mind, this clearly linked her termination to her request to go home because of illness. She had so far received no negative feedback on her job performance.

The manager maintained that there were performance issues. The afternoon shift that Brenda was unable to work due to illness was to be an opportunity for the manager to see how Brenda performed as an employee. The manager had planned to work with her personally to assess the situation; however, Brenda was unable to work. Shortly after Brenda left for the day, the manager received a complaint about Brenda, which cemented the manager's decision to let her go.

The manager said the decision had nothing to do with Brenda's disability, but she admitted how the timing of the termination was problematic and how it could be perceived as discrimination.

Employers must be certain that the timing of an employee's termination is not linked to aspects that could be considered discriminatory. The onus is on the employer to provide justification and proof that they acted without discrimination.

Brenda found another job within 4 weeks and received two weeks of benefits from Employment Insurance. An additional two weeks in lost wages was provided by the respondent. As well, Brenda received $2,500 for damage to dignity, feelings, and self-respect.

NOT WHAT IT APPEARS TO BE

From an employer's perspective, an absentee employee is someone who misses work without a good reason. This person may have taken time off without notifying the employer, or they may not have what the employer would consider a good reason for missing work. This can lead to frustration on the part of the employer and possible termination if the behaviour is considered excessive.

In John's* case, he was terminated for missing long periods of work without reporting to his supervisor, and because the employer felt John misrepresented why he missed work. He also took extended breaks at his workplace. These behaviours were seen as a choice that John was making, and he was terminated for not fulfilling his obligations as an employee.

However, there is another side to the story. John was experiencing back pain. When he approached his supervisor about scheduling appointments for his back, John felt the supervisor was unapproachable, intrusive, and neglected his requests for time off to attend appointments. John gradually became depressed and felt disconnected from his work. His doctor was aware of this and responded to his employer's questions about his absenteeism.

However, the doctor neglected to explain to the employer that John was not entirely responsible for his missed work. He was experiencing depression and his behaviour was what is considered "innocent" or non-culpable absenteeism. His disability required accommodation and understanding.

While the situation was investigated, John was suspended from work. He found his period of unemployment highly stressful. He wasn't made aware that he could have accessed the Employee Assistance Plan for help. He went into debt and was dependent on his parents for assistance. Then he was terminated.

In some ways, the termination was a positive thing. It allowed John to find a full time job within two weeks of his termination, and he is now working as a supervisor in his field at a higher salary.

The parties agreed to settle the human rights complaint, and the respondent provided John with an agreed upon sum for damage to dignity. More importantly, the respondent agreed to review their practice around accommodation and continued employment when there is a question of culpability.

The complainant appreciated the opportunity to discuss the circumstances of the complaint and to "clear the air" with his former employer. A greater sense of understanding of the situations of both parties was achieved.

*Names have been changed.

Complaints Resolved

As well as using mediation and litigation, the Commission resolves complaints before complaints are formalized and through investigation.

INFORMATION EMPOWERMENT

Sofia* contacted the Saskatchewan Human Rights Commission as she suspected her parents were being discriminated against. Sofia and her mother and father lived in a cooperative housing unit. Members of the cooperative were expected to participate in maintaining the property and providing such services as lawn mowing, shovelling snow, etc. Each unit was responsible for a certain number of hours of labour each month.

Sofia's parents were older, but capable of doing some work around the property. As well, Sofia was willing to perform their share of the work if necessary, but the board of the building denied her parents' application to become members of the cooperative. This meant they would have to leave Sofia's three-bedroom apartment and find alternative housing. Furthermore, Sofia's parents were immigrants and relied on her for support and for her English skills in some situations.

Sofia spoke with an intake consultant at the Commission and learned that the cooperative board could not discriminate against her parents on the basis of age. The intake consultant provided Sofia with information on human rights and about the duty to accommodate. In this case, the fact that Sofia was willing to perform her parents' hours of service if necessary could be considered a reasonable accommodation for their age.

Empowered by the information she had gained, Sofia felt confident in meeting with the cooperative board and was able to present an argument for accepting her parents as members of the cooperative. The cooperative board voted to accept Sofia's parents as members with the understanding that as long as the hours of service were performed, it did not matter who performed them.

Sofia called the Commission to report her success, and thanked them for providing her with the information she needed to deal with the situation. Filing a formal complaint was not necessary in this case as Sofia had been given the confidence and knowledge to stand up for her parents' rights.

A TALE OF TWO PREGNANCY PRE-COMPLAINTS

The Commission still receives a high number of pregnancy or pregnancy-related illness complaints. Often these are issues that can be dealt with on a pre-complaint basis by speaking with the employer and explaining to them the relevant aspects of *The Saskatchewan Human Rights Code*.

Britney* worked for a pharmacy, and had already received positive feedback from her management, although she had not been at the business long. They felt she was learning well and would prove to be an asset.

However, when management found out Britney was pregnancy, she was terminated. The business was looking for a long-term employee and didn't want to have to deal with hiring someone to replace her for maternity leave. They felt they had been misled because Britney did not disclose her pregnancy.

However, Britney was under no obligation to reveal her pregnancy to her employer, and the employer has no right to ask during an interview if a woman is planning to have children.

Britney phoned the SHRC to see what her options were, and the intake consultant offered to phone the pharmacy on her behalf. Before she had the opportunity to do so, the pharmacy manager phoned the SHRC. He realized he may have acted hastily and wanted to know what he should do.

The intake consultant was able to advise the pharmacy manager to rehire Britney. Both parties were satisfied with the outcome.

Shari's* concern was also pregnancy related, although she had already had her child and was returning to work from maternity leave.

A week prior to returning to work, Shari received a call from her workplace Human Resources manager, suggesting that she could take additional time off from work if she wanted. This made Shari worry that her job was in jeopardy, so she phoned the SHRC for assistance.

A Commission intake consultant contacted the HR manager for the company and passed on Shari's concerns.

The HR manager admitted that the company was considering layoffs because of an economic downturn and that Shari was going to be terminated. They talked about how it might appear that the company was laying Shari off because she had taken maternity leave, and that would be considered discrimination under the Code.

The company would have to be able to prove that they had laid her off for strictly economic reasons. The HR manager decided it was best to bring Shari back to work, and she was given a position similar to the position she had previously held.

**Names have been changed.*

Focus on Best Practices: Investigation*

Investigation is a formal step-by-step process designed to bring together the relevant facts of a complaint.

When the Saskatchewan Human Rights Commission determines that reasonable grounds to file a complaint exist, an intake officer drafts a formal complaint. The parties to the "formalized complaint" are referred to mediation in an attempt to find a resolution that both parties can accept. However, if mediation does not resolve the complaint, the matter is referred to investigation.

The Commission's Director of Resolution assigns the file to a staff investigator. The investigator usually initiates contact with the complainant and the respondent to discuss and answer any questions there might be about the process. The investigator is not privy to information disclosed in the mediation and mediation files are not provided to the investigator. The investigator is a neutral party interested in uncovering the facts of what happened.

The investigator's first job is to put together an investigation plan. After becoming familiar with the information in the file, the investigator isolates the key elements that need to be proven and the key defenses that could be raised in answer to the complaint. The investigator will look at the main facts that need to be considered.

As part of the investigation preparation and planning, the investigator identifies documents that might be needed to substantiate the facts in question. The investigator has the power to request documents from both parties and from other sources (third-party insurance companies, WCB, etc.)

The investigator will also compile a list of witnesses to speak to during the investigation, set dates for the collection of statements, and set an overall time frame for the completion of the investigation.

Ideally, an investigation will take no more than six months, but this timeline may be extended depending on the availability of witnesses or the complexity of the complaint.

With the investigation plan in place, the investigator prepares questions for each interview that will be conducted. Interviews are usually done face-to-face, but phone interviews can be arranged if necessary. The person being interviewed can bring a support person with them, but it is important that the interviewee answer the questions without assistance from anyone else.

*This summary offers a brief overview of the investigation process and it may not be applicable to all situations. See the "Resolution Roadmap" at saskatchewanhumanrights.ca for more information.

The investigator will capture what is being said with a laptop, with handwritten notes, or a recording device. The investigator then prepares the interviewee's statement. Once validated and signed by the interviewee, the statement is returned to the investigator for filing.

The investigator reviews the other documentation and consults with witnesses until there is sufficient information to complete a disclosure report. Witnesses may be contacted more than once if clarification is necessary.

With the necessary information and details, the investigator prepares a disclosure report. A disclosure report provides a summary of the investigation's findings. It includes a summary of the complaint form, the response to the complaint, a list of the facts which are not in contention, and a list of those that are. The investigator will also include any documentary evidence necessary to establish the facts of the complaint, and a description of any particular issues with the investigation (e.g., if witnesses were uncooperative.)

Witnesses are usually anonymized in the disclosure report by assigning them a letter (Witness A) and/or identifying them by their title (if applicable). For example, a disclosure report might state that Witness A is the CEO of Acme Electronics Inc. Those involved in an investigation should know that, although there is an effort to make witnesses anonymous in the disclosure report, they may still be identifiable to people who are familiar with the situation or the company. Furthermore, if the complaint goes to adjudication at the Court of Queen's Bench, witnesses may be called upon to testify in court and their identities will become public.

When the disclosure report is finished, it is sent to both the complainant and the respondent. They each have a two week window in which to respond to the document.

At this time, either the complainant or respondent can ask for clarification or provide additional information they feel might strengthen or clarify their position. The investigator strives for administrative fairness, neutrality in the presentation of the facts, and the investigator maintains an impartial position throughout.

Sometimes a complaint is resolved during the investigation process. If a complainant and a respondent wish to come to an agreement, the investigator can facilitate the process. An investigator may also explore options for settlement, while still protecting the timelines and the integrity of the investigation should negotiations break down.

If the complaint is not resolved during investigation, the investigator presents the disclosure report to the Commission's Case Management team. Although the investigator will make a recommendation as to whether the complain should be dismissed or continued, the final decision lies with the Chief Commissioner.

With the advice of the legal department, the Chief Commissioner can recommend one of three options:

(1) either the complaint will move toward adjudication,
(2) the complaint will be dismissed,
(3) or it will be returned to the investigator for further investigation.

The Chief Commissioner will correspond directly with the complainant and respondent if the decision is made to pursue adjudication or dismiss the complaint.

If the complaint is directed toward adjudication, one last avenue of mediation will be tried before sending the case to the Court of Queen's Bench. Directed mediation, where both parties try to achieve a settlement without going to court, is a final attempt at resolution.

Pillar 3 - Systemic Advocacy

Systemic advocacy is intended to address systemic discrimination — working collaboratively with stakeholders helps everyone.

Systemic advocacy is intended to be an inclusive and collaborative resolution process that brings together stakeholders to affect change. In a traditional complaint model, this is similar to bringing complainants and respondents together to mediate a resolution.

In the case of systemic advocacy, the complainants and the respondents are working together to achieve agreed upon change. For the Commission, systemic advocacy aims to reduce or eliminate discrimination. It does not "take sides."

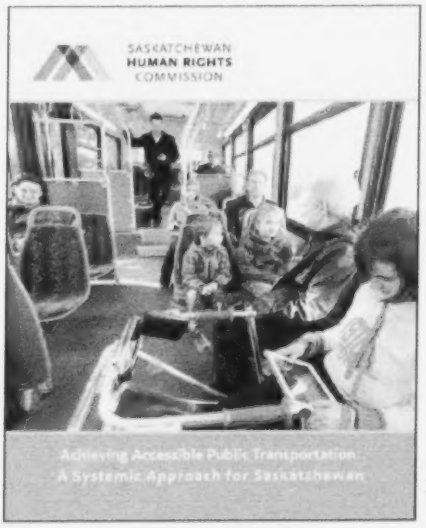
ACCESSIBLE TRANSPORTATION SYSTEMIC ADVOCACY PROJECTS

The Commission's work with stakeholders to improve accessible public transportation in Regina and Saskatoon, is captured in the report, "Achieving Accessible Public Transportation: A Systemic Approach for Saskatchewan." This report congratulates the stakeholders for recognizing their interdependence in facilitating meaningful change.

Saskatchewan's Disability Strategy prioritized the availability of accessible and safe public transportation. This includes bus, paratransit, and taxi services. It also takes into account the need for audible bus announcements and audible pedestrian signals for crosswalks.

The work in the province's two largest cities is ongoing. Recently, service providers and accessible transit patrons from other communities have contacted the Commission to explore what can be adopted or adapted for use in their circumstances.

One notable outcome is the exploration of provincial paratransit standards for service provision. The goal is to develop guidelines and standards that will bring consistency to the reporting of wait times, booking windows, and denial rates between municipalities.



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DISCRIMINATION IN HOUSING

In response to an increasing number of inquiries received from advocates working with marginalized populations in Saskatoon, the Commission launched a systemic advocacy initiative to address discrimination in housing based on receipt of public assistance.

Advocates from multiple agencies reported that their clients were facing issues such as discriminatory advertising for rental accommodation, landlords refusing to rent to people in receipt of public assistance, and income or damage deposit requirements that prohibit those in receipt of public assistance from obtaining housing.

People in these situations may be more vulnerable to becoming homeless if they are evicted, so they are often hesitant to complain on an individual basis, making systemic advocacy a better option.

Working with several community organizations, including Community Legal Assistance Services For Saskatoon Inner City (CLASSIC), the Commission hosted three public consultations and heard from dozens of renters affected by discrimination. They spoke of their lack of affordable housing options, the inadequacy of some of the rental accommodation available to them, and policy barriers to securing and maintaining housing.

Interviews with relevant agencies have gleaned more information and led to collaboration, such as the Landlords Association's work with the Commission to include information on human rights in their manuals.

Further public consultations are planned, and a report will be released in fall 2016. This report is intended to be a stakeholder engagement tool that will capture and consolidate many of the current issues, stimulate dialogue, and be used as a starting place for addressing discrimination related to housing.

The Commission is also working with the Office of Residential Tenancies and PLEA to develop materials outlining rights and responsibilities of tenants and landlords.

DEAF AND HARD OF HEARING ADVOCACY

In 2014, the Saskatchewan Human Rights Commission (SHRC) received intake inquiries concerning perceived systemic discrimination relating to public services and policies for Deaf, deaf, and hard of hearing people.

At that time, individuals indicated concerns with the availability of sign language education in the Kindergarten to Grade 12 school system, the availability of sign language interpreters, and, related to both of these issues, limited opportunities for employment.

In order to determine the scope of these concerns, the SHRC consulted with individuals and stakeholder groups in the community. Four community consultation sessions were held across the province, and approximately 40 individual or group interviews were completed.

These consultations included:

- Saskatoon
- Prince Albert
- Regina
- La Ronge

The Commission met with over 160 people at the community and follow-up sessions and is preparing a summary report of the participants' experiences and testimony

SHRC Partners with Rentalsman

RESIDENTIAL LEASE AGREEMENT
OF PARTIES AND PREMISES
, between the following named persons
ded – Tenants") and
t set forth in this Agreement, Landlord rents to Tena
occupied only by the above mentioned T
no other purpose without Landlord's
rental is prohibited without L

The United Nations recognizes that an adequate standard of living is necessary to access to appropriate housing.

Article 25 (1) of the *Universal Declaration of Human Rights* states:

> Everyone has the right to a standard of living adequate for the health and well-being of himself [sic] and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" (United Nations, 1948).

In recent years, Saskatchewan has experienced unprecedented growth and economic success Saskatchewan is ranked as the second wealthiest province in Canada, with a 2011 gross domestic product about 1.5 times higher per capita than that of Ontario (2011 census numbers).

While optimism and opportunity remain high, there are those who struggle. Many families live on fixed incomes of pension benefits, disability benefits, or provincial income assistance benefits. The struggle to secure safe, appropriate, and affordable housing is real.

The Commission has dealt with landlords who have not wanted to rent to people on social assistance. As well, there have been cases where landlords have been less interested in renting to people from varying ethnic backgrounds.

In other cases, there are renters who only want to rent to people from their specific cultural backgrounds. Provincial legislation is clear in these situations – people can choose

their roommates in a shared accommodation situation. Where a non-shared accommodation is being made available to the public, that is a tenancy situation, it is not an option to refuse a person based on the prohibited grounds.

The Saskatchewan Human Rights Code (the *Code*) prohibits discriminating against potential renters on the basis of religion, creed, marital status, family status, sex, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race, gender identity, or receipt of public assistance.

Still, there are situations when a landlord will advertise a rental accommodation, or refuse to rent to a particular individual using language like the following:

- "Must be working"
- "Adults only – no children"
- "No Natives"
- "No single mothers"

The Commission takes complaints of discrimination in tenancy situations seriously. Mediation has been successfully used to resolve these kinds of complaints. The regularity of these concerns indicates, however, that there is still significant non-understanding that needs to be addressed.

In December, the Commission met with concerned stakeholders who noted that discrimination in tenancy situations frequently occurs because a potential renter receives public assistance. Under the *Code*, "receipt of public assistance" means the receipt of "assistance as defined in The Saskatchewan Assistance Act," or "a benefit as defined in The Saskatchewan Income Plan Act."

Section 11 (1) of the *Code* affirms that discrimination is not acceptable in commercial and housing accommodation situations. Specifically:

> 11(1) No person, directly or indirectly, alone or with another, or by the interposition of another shall, on the basis of a prohibited ground:
>
> (a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or
>
> (b) discriminate against any person or class of persons with respect to any term of occupancy of any commercial unit or any housing accommodation.

This means, as examples, that landlords cannot ask for unreasonable documentation from new Canadians or Indigenous people, or ask for inflated rent to keep certain people from renting their housing.

Given the concerns that have been raised, the Commission is pursuing a systemic advocacy and engagement process (see page 24), and is working to provide timely public education about this issue.

To that end, the Commission partnered with the Office of Residential Tenancies to release an open letter expressing the importance of tenancy discrimination awareness. That letter also encouraged community-based organizations, municipal and provincial leaders, to explore the underlying factors, including poverty, which contribute to tenancy discrimination.

Recognizing that tenancy creates a two-way relationship between parties, the letter also stressed that tenants have a responsibility to pay the agreed rent in a timely manner, and to keep rented homes clean and in good condition. Eviction and loss of a damage deposit are recognized remedies to situations in which tenants do not meet their obligations.

Poverty through a Human Rights Lens

As poverty increases, human rights decline, and as human rights improve, poverty fades.

Although Saskatchewan has been ranked as the second wealthiest province in Canada, over 10% of this province's population lives in poverty. Digging further into those numbers, the child poverty rate of the province sits at about 25% when on reserve populations are included, and 64% of status First Nations children live below the poverty line. The poverty rate of female-headed households in 2010 was 6.7 points higher than the province's overall poverty rate, and single mothers were particularly vulnerable, with poverty rates of 36.8%. People with disabilities face 53% higher unemployment than the general population.

The relationship between human rights and the dire consequences of poverty are seen as something belonging to third world countries, where, as anti-poverty advocates have pointed out, poverty is a critical factor in determining health.

Looking at poverty in Canada through a human rights lens allows us to consider the effects of economic disadvantage on equality, equity, and dignity. This is important because, in the broadest sense, human rights are about these three core concepts:

- The equality of people
- Equity for people
- The inherent dignity of the individual

Economic disadvantage and inequality are barriers to living a life with dignity. Put this way, it is not difficult to see the that human rights commissions, whose work is to address discrimination in public interactions, public services, and public spaces have a logical role to play in poverty reduction.

Mallika Ramachandra, a researcher from India states, "Poverty is seen as both a 'cause and effect' of the violation of human rights." Put another way, poverty leads to human rights violations and human rights violations lead to poverty.

Taking this a step further – there is a reciprocal and inverse relationship between human rights and poverty. That is, where human rights are strong, poverty is lessened, and where poverty is prevalent, human rights are at risk.

In the Saskatchewan context, a significant component of the Commission's litigation and mediation work stems from discrimination in the workplace. Much of that work involves allegations of non-accommodation of disability, and, to a limited extent, maternity rights—women who, because of pregnancy or childbirth, lose their occupations or are otherwise affected in a negative way.

Looking at poverty in Canada through a human rights lens allows us to consider the effects of economic disadvantage on equality, equity, and dignity.

What is common is that employment is central to the financial wellbeing of most Canadians. It is the barrier between an individual and poverty.

For the working poor, employment only mitigates poverty. And of course, the link between being unable to work, unemployment, and poverty is clear.

Mikkonen and Raphael (2010), assert that:

> Unemployment is related to poor health through various pathways. First, unemployment often leads to material deprivation and poverty by reducing income and removing benefits that were previously provided by one's employer. Second, losing a job is a stressful event that lowers one's self-esteem, disrupts daily routines, and increases anxiety. Third, unemployment increases the likelihood of turning to unhealthy coping behaviours such as tobacco use and problem drinking.

Every day, the SHRC receives, accepts, and pursues complaints that are directly related to the rights, dignity, and general well-being of people. Part of the mandate of the Commission is, therefore, to promote inclusion and belonging. All citizens should have equal opportunity to participate in their community.

For the SHRC, an important way to pursue this goal is to work collaboratively with stakeholders. Anti-poverty advocates and members of the provincial government's poverty reduction strategy introduced the Commission to the idea of social determinants of health. These factors are driving research, policy, and in some parts of the world, legislation.

It is also clear that there is a connection between the social determinants of health—factors that include Indigenous status, education, and income among other things—and *The Saskatchewan Human Rights Code*.

Looking at only a few of the possible parallels, we see how the two concepts are invariably related.

The Saskatchewan Human Rights Code	Social Determinants of Health
Colour, ancestry, nationality, place of origin, race or perceived race	Race, Indigenous Status
Receipt of public assistance	Social Safety Net
Sex, sexual orientation, gender identity	Gender
Marital Status	Family status
Disability	Disability

The SHRC is committed to helping Saskatchewan become a place where every person's equality is valued, and where people are able to live in equitable circumstances to maintain healthy, productive lives. This includes the pursuit of dignity for individuals living in poverty.

In Photos

Ms. Nomi Yeshua and Ms. Adit Dayan, "The Jerusalem Foundation," March 3, 2016.

Mr. Robert Doucette, "The 60s Scoop and the Métis People," January 28, 2016.

Ms. Nicole Nussbaum, "Trans* Legal Issues," February 4, 2016

Senator Lillian Dyck, "Missing and Murdered Indigenous Women," January 21, 2016

Elder Eugene Arcand, "Indian Residential School Settlement Agreement," December 3, 2015

Professor Jim Miller, "Reconciliation, Residential Schools, and Human Rights," December 3, 2015

ADLANDS

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CHAMPION
SAND GOLF
Jordan Higgins
2007
Jordan Higgins
2006

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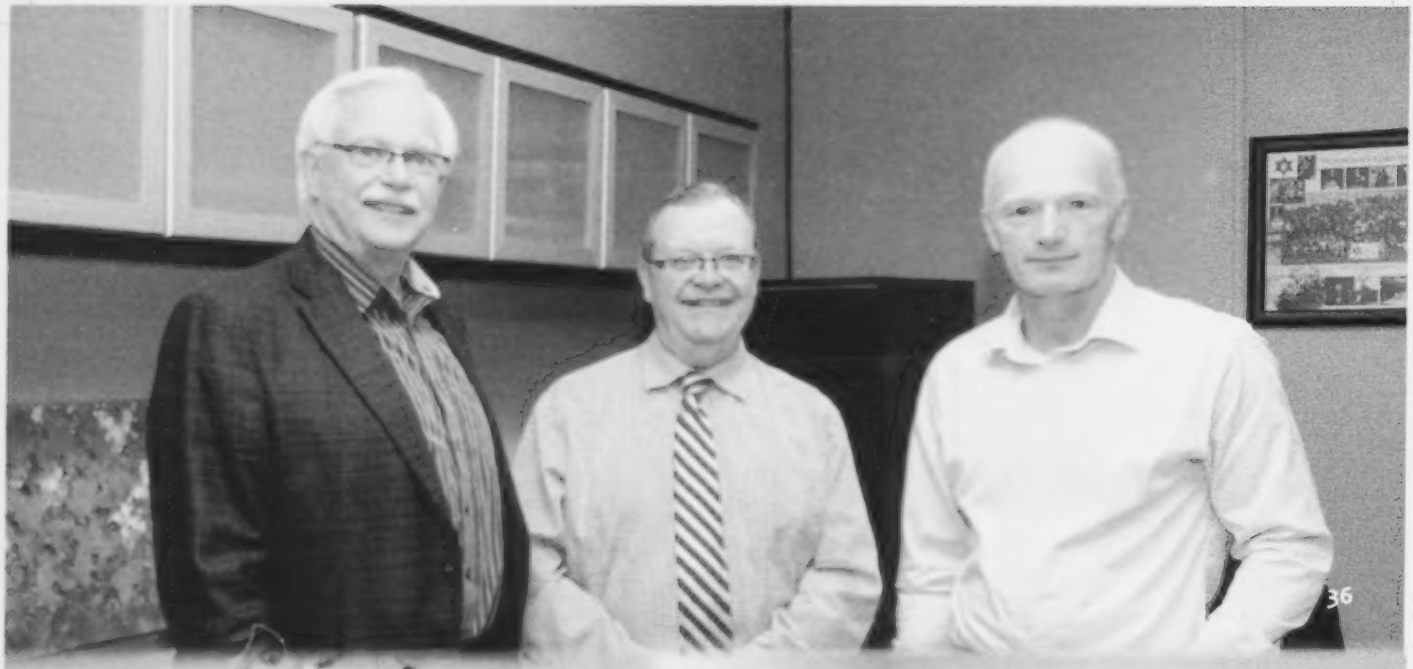
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Pillar 4 - Public Education

Public education is an effective way to inform children, youth, and adults about their rights and responsibilities.

EMBRACE THE PAST, SHAPE THE FUTURE

On May 5, 2015, over 300 students and teachers attended a first ever, "Embrace the Past, Shape the Future" Holocaust Symposium in Strasbourg. Two Holocaust survivors, Adam and Rachel Shtibel, travelled from their home in Toronto to tell their compelling stories to high school students from across the Horizon School Division. Together, the couple were the highlight of the all day remembrance and learning event.

The idea for the symposium came from William Derby School social studies teacher, Larry Mikulcik. Mikulcik was one of 25 teachers from around the world, and the only Canadian, selected by the USC Shoah Foundation to travel to Poland in 2015 in order to participate in the "Auschwitz: The Past is Present" professional development program.

Mikulcik, who also serves on the Saskatchewan Human Rights Commission's citizenship education teacher development working group, connected the Commission to the symposium.

Challenging sessions on the historical events that led to the Holocaust, current expressions of anti-Semitism, and a discussion about life and justice in Israel today, provided a critical learning opportunity for students and teachers.

HOLOCAUST EDUCATION

On November 19, 2015, Mr. Nate Leipciger brought these messages to over 700 students at Warman High School. The next day, he spoke in Prince Albert to over 2,500 students at St. Mary High School and Carlton Comprehensive High School.

During the Second World War, Mr. Leipciger's family was imprisoned at the Auschwitz-Birkenau concentration and extermination camp. At that time, and as a boy entering his teen years, holding on to the belief that he would be reunited with his family motivated him to stay alive. While both he and his father survived, his mother and sister were murdered by the Nazi regime.

Since immigrating to Canada in 1948, Mr. Leipciger has offered his experience as a Holocaust survivor to educate students about war, racism, and the need to actively work to make the world a better place.

RAOUL WALLENBERG DAY

On February 4, Chief Commissioner Arnot spoke at the annual Raoul Wallenberg Day commemoration and to celebrate the power of one. The Chief Commissioner challenged students to take actions that make them champions in their own right. Promoting the importance of Canadian citizenship, he also asked them to act on the responsibilities of their citizenship, to demonstrate respect, and to know and understand their rights.

AWARDS HIGHLIGHT WORK OF TRUTH AND RECONCILIATION COMMISSION

On March 21, 2016, the City of Saskatoon's "Living in Harmony" awards ceremony highlighted the importance of reconciliation. Mr. Eugene Arcand, a residential school survivor and an advisor to the Truth and Reconciliation Commission of Canada, spoke about the importance of education and understanding. He reminded the students that the Truth and Reconciliation Commission "did not make recommendations" but rather "calls to action" that are intended to foster healing and create harmony.

Speaking on behalf of the Saskatchewan Human Rights Commission, Commissioner Heather Kuttai also acknowledged that Saskatoon continues to be strengthened by the contributions of Indigenous people. Citing the need to take action, she commended the award recipients for being, "citizens who know their rights, respect others, and demonstrate a sense of responsibility to our community and a willingness to work together."

Pillar 4 - Citizenship Education

The citizenship education resources are finding their way into classrooms across the province and becoming part of discussions taking place across Canada.

The Commission was particularly active on the citizenship education project prior to and during the 2015-16 school year. The citizenship education resources, available to teachers and educators online at www.concentus.ca, are now being used in many elementary and secondary schools across Saskatchewan.

The goal of having the resource materials available to all schools for the 2016-17 school year is on track, and professional development, promotion, and planning for future work is underway.

Meetings with the University of Saskatchewan's College of Education, the University of Regina's Faculty of Education, the First Nations University of Canada, and Saskatchewan Polytechnic have provided opportunities to promote the importance of citizenship education for post-secondary students. As well, leaders and instructors were asked to consider how they could incorporate citizenship into their academic pursuits.

Information sessions for teachers, schools, and divisional leaders were also held throughout the year. Attendees had the opportunity to ask questions about the resources and to learn about how they will be maintained.

At this point, the focus for future development of the citizenship education resources is on several social context issues. These issues include the Holocaust, Indigenous issues, gender issues, racism, mental health and addictions, and disabilities.

CONGRESS ON RURAL EDUCATION IN CANADA

On March 21, 2016 the Commission recognized eight of the teachers who made significant contributions to the citizenship education materials at the twenty-first National Congress on Rural Education in Canada.

In 2009, the Saskatchewan Educational Leadership Unit (SELU) selected these teachers from school divisions across the province to assist SELU with the preparation of the classroom resources.

Chief Commissioner Arnot thanked these educators for their work, and he thanked SELU for the oversight and production of the classroom resources. Chief Commissioner Arnot observed that teachers are shaping the future of our country, and that "the new three R's —respect, rights, and responsibility" of citizenship education will help affirm that "every human being, in our increasingly diverse society, deserves equal moral consideration."

NATIONAL FIRST NATIONS DIRECTORS OF EDUCATION FORUM

On February 24, Chief Commissioner Arnot spoke at the Assembly of First Nations' National First Nations Directors of Education Forum in Ottawa.

At that event, he informed the directors that through citizenship education, students begin to think about diversity by considering the questions, "What might be another perspective on this issue? Why might someone else have a different opinion?"

Through the resources, students are taught that different cultures, experiences, and beliefs could all lead to a difference of opinion. Students are also challenged to understand another perspective.

As well, Indigenous perspectives are acknowledged and included throughout the resources. For example, First Nations family construct references are included throughout as are governance structures and decision-making.

When students move into the upper grades, after grade 6, the use of vocabulary of privilege, marginalization, and colonialism are named and explored. Students have discussions about whose story is being told, whose perspective is predominant, and, in turn, are asked to consider why this is so.

Chief Commissioner Arnot also discussed the relationship and similarities between human rights, Indigenous rights, and Treaty rights. He observed that, "in fact, human rights, Indigenous rights and Treaty rights are about fairness, recognition of one's inherent dignity and individuality, and they are about respect. A society demonstrates respect for the rights of all people by promoting equality, equity, and diversity."

Equity and Diversity in the Workplace

Equity goes hand-in-hand with diversity; the Commission's Employment Equity Program helps employers meet their diversity goals.

At a time when Canada is seeing an increasing number of immigrants and refugees, encouraging inclusion in the workplace is more important than ever. The Saskatchewan Human Rights Commission is doing its part to reduce discrimination and promote diversity by working with employers in an Employment Equity Partnership program.

Under Section 47 of *The Saskatchewan Human Rights Code*, the Commission can approve voluntary programs intended to eliminate barriers for Aboriginal people, visible minorities, people with disabilities, and women, particularly in underrepresented positions.

In 2015, the SHRC outlined new long-term goals for a representative workforce:

2015 Goals for a Representative Workforce*	
Equity Group	Percentage
Aboriginal People	
• Provincial	14%
• Prince Albert & Northern Administration District	35%
Members of a Visible Minority Group	
• Provincial	6.6%
• Regina or Saskatoon	11%
Persons with Disabilities	12.4%
Women in Under-represented Occupations	46%

*2011 Statistics Canada Census; Analysis by Sask Trends Monitor

The SHRC Employment Equity Partners are organizations that value diversity in the workplace and have made a commitment to establishing equity programs that work towards rectifying any imbalances, with the ultimate goal of employing a workforce that is representative of current provincial demographics.

Through their initiatives and positive practices, each organization is working to improve awareness of equity issues and their hiring practices so that underrepresented groups are given opportunities to participate in the workplace.

The *Code* doesn't prevent employers from finding the best person for the job, but it does require that employers use non-discriminatory methods to evaluate potential employees against *bona fide* occupational requirements.

Employers are encouraged to consider only the job itself and not any preconceived or stereotypical notions the employer might have about what kind of person can or cannot do the tasks associated with a position. For example, some people might believe a pregnant woman shouldn't be working or that people from another country do not have sufficient language skills for employment in Canada.

The Employment Equity Partnership Program strives to help employers broaden their views of potential workers and to assist employers with questions they might have about an employer's duty to accommodate such things as religious practices or disabilities. In fact, the SHRC has a staff member dedicated to answering employer questions about issues and challenges they may be facing as they diversify their workforce (see also page 40).

Each Employment Equity Partnership organization gathers statistics regarding the number of employees who represent equity groups. This information serves as a baseline from which to evaluate progress. Through annual reporting to the SHRC and comparing statistical changes within each organization, employers and the SHRC are able to monitor successes and determine which policies and practices are most beneficial in helping to diversify the workplace.

Program partners are required to provide an annual statistical overview showing a comparative year-to-year breakdown of equity groups. As well, partners prepare a one page document describing a single equity initiative that was particularly successful. Each fall, partners have the opportunity to share their knowledge and experiences, their challenges and frustrations, with others at an Employment Equity Seminar, enhancing the partnership experience for everyone involved.

Last year's fall seminar, held in September 2015, brought forward three particularly successful initiatives. The Saskatoon Police Service spoke about reaching youth at an early age with their Peacekeeper Cadet program, where young people in Grades 4-7 learn discipline, empathy, and respect, as well as taking responsibility as citizens of Canada.

The Saskatchewan Crop Insurance Corporation focused on mental health initiatives, and provided management employees with an opportunity to participate in a Mental Health First Aid Course, focusing on identifying and dealing with common workplace issues. The program was so successful, they decided to offer it to any employee who wanted it.

The City of Saskatoon showcased a series of workshops for employees as part of its "I am the bridge" program. Topics included Indigenous inclusion, cultural competency, accommodation in the workplace, and intercultural problem-solving strategies. Furthermore, by evaluating the effectiveness of each workshop, the human resources department has been able to determine if desired outcomes are being achieved and then adapt their programming accordingly.

Although creating an inclusive workplace presents challenges, the benefits can include increased innovation and productivity, creativity and problem-solving, divergent attitudes, new language skills, and much more. A diversified workforce can also create a satisfied and more varied customer base, as well as the opportunity for company growth in previously unexplored areas.

Now, more than ever, employers need to tap into the labour force that has been historically underrepresented in our workplaces: Indigenous people, visible minorities, people with disabilities, and women in non-traditional roles. Employers who would like to learn more about participating in the Employment Equity Partnership program are encouraged to contact the Saskatchewan Human Rights Commission.

Responding to Employer Questions

In 2015-16, a Commission intake consultant fielded over 400 questions from employers; many concerns are about accommodating disability.

The Saskatchewan Human Rights Commission receives hundreds of inquiries per year from businesses, government agencies, service providers, and other employers. Most of the inquiries are about employees who are sick, injured, or have a disability.

Offering businesses the information they need to avoid *Code* infractions is an important outreach for the Commission. The following are five examples of the most frequently asked questions from the 2015-2016 operating year. More are available on saskatchewanhumanrights.ca.

1. **I have an employee who is sick and away from work. The employee has only worked for us for a couple of days, far less than the three-month "probation" period under the *Saskatchewan Employment Act*. Can we terminate the employee?**

   Under the Code, an employer must not discriminate against an employee because of a disability (Section 16). There is no minimum employment duration or service period for this legal requirement – an employee receives this protection at all times during the employment relationship.

2. **The employee submitted a doctor's note, but it doesn't say anything about a disability or even what the illness is. How do I know if my employee has a disability?**

   In the *Code* "disability" is defined broadly. It means "any degree of physical disability, infirmity, malformation or disfigurement." It can also mean a mental disorder, or an intellectual, cognitive or learning disability. Disabilities are normally assessed according to their severity and duration, so that minor ailments are not normally classified as a disability (e.g., the "common cold" or "flu"). But "disability" can mean other common medical conditions, such as diabetes, cancers, chronic muscle or joint problems, depression, and anxiety disorders.

3. **My employee doesn't want to provide any medical information. What can I do?**

   An employee requesting accommodation on the basis of a disability is required to participate in the accommodation process. This normally includes providing the employer information from a physician or specialist describing their needs.

   However, there could be situations when such information in unavailable, or the employee is unresponsive. Employers must make all reasonable efforts to discover the reasons for the employee's absence or behaviour before escalating a request for information, or dismissing the employee.

4. **I have an employee who has been away sick for more than 12 weeks. Is it legal to terminate their employment?**

   There is no maximum amount of time that an employee can be away from work due to disability. In some cases, an employee may be away from work due to disability for several years and still be expected to return to work.

5. **My employee is off work due to a non-employment related injury. Can I terminate them now?**

   While the Worker's Compensation Board only covers employees who are sick or injured in the workplace, the Code applies to all disabilities whether acquired at work or elsewhere.

   This includes disabilities acquired by the employee before they began working for a company or organization.

Equity Partnerships

EMPLOYERS

City of Prince Albert	City of Regina	City of Saskatoon
Community Health Services (Saskatoon) Association Ltd.	Crown Investments Corporation	Government of Saskatchewan
Information Services Corporation of Saskatchewan	Innovation Place (Saskatchewan Opportunities Corporation)	John Howard Society of Saskatchewan
Law Society of Saskatchewan	MicroAge Regina	Northlands College
Parkland Regional College	Prince Albert Co-operative Health Centre	Regina Police Service
Regina Public School Division	Regina Women's Community Centre	Saskatchewan Apprenticeship and Trade Certification Commission
Saskatchewan Crop Insurance Corporation	Saskatchewan Gaming Corporation	Saskatchewan Government Employees' Union
Saskatchewan Government Insurance	Saskatchewan Human Rights Commission	Saskatchewan Polytechnic
Saskatchewan Legal Aid Commission	Saskatchewan Liquor and Gaming Authority	Saskatchewan Teachers' Federation
Saskatchewan Transportation Company	Saskatchewan Water Corporation	Saskatchewan Watershed Authority
Saskatchewan Workers' Compensation Board	Saskatchewan Writers' Guild	Saskatoon Police Service
SaskEnergy	SaskPower	SaskTel
United Way of Saskatoon	University of Regina	University of Saskatchewan

PRE-KINDERGARTEN TO GRADE 12 SCHOOL DIVISIONS

Creighton	Good Spirit	Greater Saskatoon Catholic Schools
Holy Trinity RCSSD	Horizon	Île-à-la-Crosse
The Light of Christ RCSSD	Living Sky	Lloydminster RCSSD
Northern Lights	Prairie Spirit	Prairie Valley
Prince Albert RCSSD	Regina RCSSD	Saskatchewan Rivers
Saskatoon Public	South East Cornerstone	

Table 1: Summary of Complaints Received April 1, 2015 to March 31, 2016 by Grounds[1] and Category

Total number of new complaints in 2015/2016 was: **471**

CATEGORY	Age	Aboriginal Ancestry	Other Ancestry [2]	Marital Status	Disability	Religion [3]	Sexual Harassment	Sex / Gender / Other	Sex / Pregnancy	Family Status	Sexual Orientation	Public Assistance	N/A / Drug Test	Total Grounds	Grounds Cited
Education	1	3	3	0	12	1	1	0	1	2	1	1	0	26	3.7%
Employment	20	20	49	0	166	14	41	37	33	28	14	2	5	429	61.7%
Housing	1	1	1	0	11	1	0	0	0	2	1	7	1	26	3.7%
Public Services	15	22	35	0	51	16	2	3	6	13	0	9	22	194	27.9%
Purchase of Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
N/A	1	1	2	0	1	0	0	0	0	0	0	1	3	11	1.6%
Other	0	1	3	0	3	0	0	0	0	0	0	0	0	9	1.3%
TOTAL GROUNDS	38	48	93	0	244	36	44	40	40	45	16	20	31	695	100%
% Grounds Cited	5.5%	6.9%	13.4%	0.0%	35.1%	5.2%	6.3%	5.8%	5.8%	6.5%	2.3%	2.9%	4.5%		
% Total Complaints	9.1%	11.5%	22.2%	0.0%	58.2%	8.6%	10.5%	9.5%	9.5%	10.7%	3.8%	4.8%	7.4%		

NOTES:

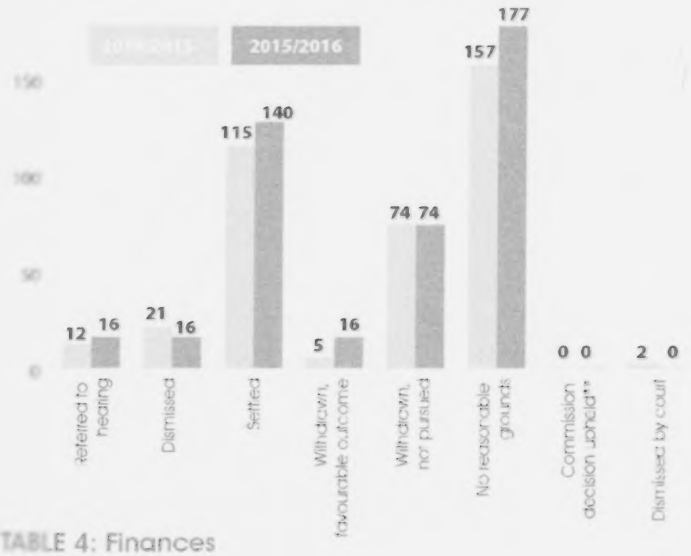
[1] Some complaints allege several kinds of discrimination. For this reason, the total number of grounds cited (695) exceeds the total number of complaints filed.

[2] Other Ancestry includes colour, nationality, place of origin, race, and perceived race.

[3] Religion includes creed.

TABLE 2: Files Opened and Closed

TABLE 3: Disposition of Complaint Files



* No reasonable grounds includes no jurisdiction files and > 1 year statute

TABLE 4: Finances

In 2014-2015, the Commission had an approved budget of $2,151,000.

	2012-2013	2013-2014	2014-2015	2015-2016
Salaries, Benefits and Honouraria	$1,857,000	$1,892,000	$1,963,000	$2,003,000
Operating	$188,000	$188,000	$188,000	$188,000
Total	$2,045,000	$2,080,000	$2,151,000	$2,191,000

The Commission

The 2015-2016 Commission staff include individuals working on full-time, part-time, casual, and temporary bases;

Front (left to right): Julian Bodnar, Maryna Kostovska, Jocelyn Putland Wiebe, Carol Riekman, Dianne Jones, Connie Windecker, Andrea Halstead, David Katzman, Andrew Livingston, Julie Fendelet, and Norma Gunningham-Kapphahn.

Rear (left to right): Darrell Seib, Robin Burlingham, Meghan Seidle, Trish Harper, Scott Newell, Lola Ayotunde, Bill Craik, Brenda Robertson, Clint Pederson, Robin Mowat, Karen Materi, Paula Jane Remlinger, Bruce Gordon, David Arnot (Chief Commissioner), Ken Truong, Lewanna Dubray, Sheena McCallion, and Shawna Kay.

Missing: Laurie Adrian Rude, Kristen Bates, Ryan Kennedy, Holly Bressler, Robin McMillan (on leave).

Commissioners*
Colleen Cameron
Paul Favel, Q.C.
Jan Gitlin
Heather Kuttai
Nasser Malik
Barry Wilcox, Q.C.

**Commissioners are appointed by an Order in Council*

Photographic images not otherwise captioned:

COVER: REDress Art Installation by Jaime Black, May 22, 2015, at the U of S, College of Law, Sallows Fry Conference

1. Commissioner Jan Gitlin speaking at National Aboriginal Day, June 19, 2015.
2. David Kytwayhat and Chief Commissioner Arnot at Wanuskewin Pow Wow, August 26, 2015.
3. Elder Ruth Cameron at the CASHRA 2015 conference, June 22, 2015.
4. Commissioner Heather Kuttai and the Honourable Justice Murray Sinclair at CASHRA 2015, June 22, 2015.
5. Métis Nation-Saskatchewan President Robert Doucette presents the Métis Flag to the SHRC, 2015.
6. Chief Commissioner/CASHRA President, David Arnot at the CASHRA 2015 Conference.
7. The Honourable Senator Lillian Dyck at CASHRA 2015 Conference.
8. Monette Maillet, Sherri Helgason, the Honourable Justice Murray Sinclair, Chief Commissioner (CHRC) Marie-Claude Landry, Elder Ruth Cameron, and David Langtry at the CASHRA 2015 Conference.
9. Artist and author Elaine Will at the CASHRA 2015 Conference
10. Julian Bodnar at the CASHRA 2015 Conference.
11. All-Tribes Singers performing at the CASHRA 2015 Conference.
12. Elliot PausJenssen and David Arnot at the CASHRA 2015 Conference.
13. Ernie Loutit at the CASHRA 2015 Conference.
14. Vice Chief Kimberly Jonathan at the CASHRA 2015 Conference.
15. The Honourable Justice Murray Sinclair and Karen Materi at the CASHRA 2015 Conference.
16. David Fisher, Doug Cuthand, and Darrell Seib at the CASHRA 2015 Conference.
17. Scott Newell at the CASHRA 2015 Conference.
18. Lynette Griffin, Judy Shum, and Rachel Loewen Walker at the CASHRA 2015 Conference.
19. Lewanna Dubray a the CASHRA 2015 Conference.
20. Dr. Ryan Meili and David at the CASHRA 2015 Conference.
21. Presentation of the Treaty 6 Flag by Chief Wallace Fox to the Commission, May 28, 2015.
22. © iStockphoto.com/Bet_Noire.
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29. Cover image of the "Achieving Accessible Public Transportation: A Systemic Approach for Saskatchewan" report.
30. © iStockphoto.com/bodnarchuk.
31. © iStockphoto.com/Ekaterina Minaeva.
32. Flag raising, "Race Relations Month," Saskatoon City Hall, March 1, 2016.
33. Canadian Club Meeting, September 9, 2015.
34. "Embrace the Past, Shape the Future" Holocaust Symposium, May 5, 2015; photo by Lavonne Gorrill.
35. David Arnot, Jan Gitlin, and David Fisher at the "The Last Line" documentary premiere, September 1, 2015.
36. David Arnot, Chief Coroner Kent Stewart, and Bruce Gordon, September 2, 2015.
37. Barry Wilcox, Kelly Klassen, and David Arnot, Holocaust Memorial Event, May 6, 2015.
38. David Arnot with the New Brunswick Human Rights Commission Staff, October 29, 2015.
39. "Living in Harmony" Awards, Tommy Douglas Collegiate, March 21, 2016.
40. Grand Entry, Wanuskewin Heritage Park, August 26, 2015.
41. Megan Kent and Damien Kent, "The Last Line" documentary premiere, September 1, 2015.
42. Nate Leipciger at St. Mary High School in Prince Albert, November 20, 2015.
43. Vincent Mamer, Dr. Pak Tee Ng, and David Arnot at the Saskatoon Teachers' Association Conference, November 12, 2015.
44. "Embrace the Past, Shape the Future" Holocaust Symposium, May 5, 2015.
45. Holocaust survivor Nate Leipciger speaking in Prince Albert, November 20, 2015.
46. Raoul Wallenberg event, February 4, 2016.
47. Congress on Rural Education in Canada, March 21, 2016.
48. Joanna Landry and David Arnot, Congress on Rural Education in Canada, March 21, 2016.
49. City of Saskatoon presentation at the SHRC Employment Equity Event, September 2015.
50. Cst. Derek Chesney and Cst. Matt Maloney, at the SHRC Employment Equity Event, September 2015.